IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Notice of Motion No. 2277 of 2005
In
Appeal No. 253 of 2004
In
Contempt Petition No. 90 of 1999
In
Notice of Motion No. 734 of 1998
In
M.J. Suit No. 49 of 1998

Mr. Ahmed Raza Moulvi .. Appellant
V/s.
Mrs. Baitul Ahmed Moulvi .. Respondent

Mr. A.N. Maniyar for the Appellant
None present for the Respondent

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 07.10.2005.

P.C.:-

1. Heard the learned counsel for the Appellant. Prayer clause (a) of the above Notice of Motion is as under:-

> (a) that the time granted by this Hon'ble Court by its order dated 18/07/2005 in Notice of Motion No. 3410 of 2004 in this Appeal permitting the Appellant to deposit the sum of Rs. 1 lac with the Prothonotary & Senior Master of this Court within four weeks from that day, the order of simple imprisonment for a term of 90 days passed by the learned Single Judge on 05/12/2003 in contempt petition No. 90 of 1999 shall remain stayed, be extended by a period of four weeks for depositing the said amount of Rs. 1 lac with Prothonotary & Senior Master of this Court.

2. This Notice of Motion is taken out on 16.8.2005. Mr. Maniyar, the learned counsel for the Appellant states that even till now, the Appellant is unable to deposit the said sum of Rs. 1 Lakh, which he was

directed to deposit by our order dated 18.7.2005. Under these circumstances, the present Notice of Motion itself has become infructuous, since he has sought extension of period of four weeks from 16.8.2005, which itself has expired, hence the Notice of Motion stands dismissed.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)